

Testimony of Edward Rosenblatt
Insurance and Real Estate Committee - Raised Bill No. 1025
March 3, 2009

Senator Crisco, Representative Fontana, committee members, good day and thank you for the opportunity to address the Insurance and Real Estate Committee today.

My name is Edward Rosenblatt, I am Vice President and Counsel for Fidelity National Title Insurance Company and I am here to speak to you on behalf of the Connecticut Title Association, which is the trade association of title insurance companies in Connecticut.

My comments pertain to Raised Bill No. 1025, An Act Concerning Real Estate Records Accuracy. The Connecticut Title Association strongly opposes passage of this bill. The bill is brief and vague. It has been impossible for us to determine its intent and full effect, but it is certain that if passed, this act will radically change the way real estate titles are examined, and real estate is conveyed, mortgaged and liened and released in Connecticut.

The act states that in the event of a conflict in any records or documents pertaining to real property maintained by a municipality, which would include the town's land records, the documents most recently kept on file by the municipality's building department shall control. But what shall it control? Should the building department's records control title to real estate? If an error exists in the legal description of property in, for example, a deed, is the building department the place to correct the error? If a person files a deed with the building department, should this be considered valid notice of a conveyance of title, to supersede conveyances shown in the town clerk's office?

Surely, this is plainly contrary to the intent of Connecticut's long standing statutory plan of controlling title and to and descriptions of real property through its land records system. And yet, the language the bill would give this act priority over any other provision of the Connecticut general statutes. If the land records show one person as the owner of a parcel of real estate, and the building department records show another, this act would have the building department records prevail. That is a plainly erroneous result.

We are not sure what the intent of this act is, or what problem it intends to solve, but whatever that is, there is surely a better way of doing so than by giving documents filed with municipal building departments priority in every sense over those filed elsewhere, especially the municipal land records.

For these reasons, the Connecticut Title Association opposes Raised Bill No. 1025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Rosenblatt', is written over a horizontal line.

Edward M. Rosenblatt

Connecticut Title Association